

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MISSOURI  
WESTERN DIVISION**

**LISA FINDLEY AND** )  
**JANINE STALNAKER,** )  
 )  
Plaintiffs, )  
 )  
vs. ) Case No.: 01-0970-CV-W-2  
 )  
**CONSOLIDATED FREIGHTWAYS** )  
**CORPORATION OF DELAWARE,** )  
(Serve Assistant General Counsel: )  
Wayne M. Bolio )  
175 Linfield Drive )  
Menlo Park, CA 94025-3799), )  
 )  
Defendant. )

**COMPLAINT**

Come Now Plaintiffs Findley and Stalnaker and for their claim against Defendant Consolidated Freightways (CF) states as follows:

**FACTS COMMON TO ALL COUNTS**

1. This Court has jurisdiction pursuant to the Fair Labor Standards Act, 29 U.S.C. §§ 201<sup>ff</sup> and 28 U.S.C. § 1331.
2. Plaintiff Lisa Findley is a citizen of Hermitage, Hickory County, Missouri and Plaintiff Janine Stalnaker is a citizen of Independence, Jackson County, Missouri.
3. Defendant CF is a Delaware company, organized and existing under the laws of Delaware, with offices in Kansas City, Jackson County, Missouri. All of the events in this case occurred in Kansas City, Jackson County, Missouri. Defendant is a trucking company, is publicly traded and engages in interstate commerce.

4. Plaintiff Janine Stalnaker is employed by Defendant CF as an hourly non-contractual administrative assistant in excess of ten years.

5. Plaintiff Lisa Findley was Employed by CF as a non-contractual administrative assistant from December 28, 1995 until she left Defendant's employ on December 22, 2000. Shortly after Plaintiff Findley left Defendant's employ, she complained to the Department of Labor in January, 2001 about the wage and hour violations. The Department of Labor conducted an investigation as a result of Plaintiff Findley's complaint.

6. In Defendant's regional office, Plaintiffs were required to work overtime consistently through their employ, but were prohibited from being paid or even repaid for any work over 40 hours a week.

7. Plaintiffs were non-management, non-professional, non-contractual hourly employees, who were required to submit time sheets on a weekly basis. Defendant classified Plaintiffs as non- contractual hourly employees.

8. Plaintiffs were required by management to submit time sheets which showed 40 hours per week, even though they usually worked many more hours than that in a week. Oftentimes, Plaintiffs worked 10 -15 hours of overtime per week, with knowledge by management, but were not paid for this overtime.

9. Plaintiff Stalnaker is currently still employed by Defendant in the same position and still is forced to work more than 40 hours per week without overtime compensation.

10. Plaintiffs were instructed by Defendant to not claim more than 40 hours work even though Defendant knew that Plaintiffs were entitled to overtime pay.

11. When Plaintiff Stalnaker requested overtime pay, Defendant's management refused to pay

the overtime pay and instructed Plaintiffs not to request the pay again.

**VIOLATION OF FAIR LABOR STANDARDS ACT**

12. Plaintiffs are and were non-management, hourly workers pursuant to the Fair Labor Standards Act.

13. Plaintiffs worked in excess of 40 hours per week, with the knowledge of and at the direction of Defendant, without being allowed to receive overtime pay, even though Defendant required Plaintiffs to work this overtime.

14. Defendant's conduct was willful and not in good faith.

15. Plaintiffs suffered lost wages and overtime pay at time and one-half Plaintiff's regular wages.

WHEREFORE, Plaintiffs pray for judgment against Defendant for compensatory damages, including past and future wages and benefits and such other equitable and appropriate relief, liquidated damages, all costs, expenses and attorney's fees incurred herein, for interest at the highest lawful rate, and for such other relief as the Court deems just and proper.

**REQUEST FOR JURY TRIAL**

Plaintiff hereby requests a trial by jury on all counts.

**BRATCHER & GOCKEL, L.C.**

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